IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1970 OF 2006

Vishal Ashruba Hiwalkar & Ors. ...Petitioners

Vs.

The State of Maharashtra & Ors. ...Respondents

Shri Nitin Pradhan with Ms Shubhada Khot for the Petitioners.
Shri S.V.More, A.P.P. for the Respondent Nos.1 and 4 to 6.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 26, 2006.

P.C.:

1. Heard the learned Advocate for the Petitioners and the learned A.P.P. for the first and fourth to sixth Respondent. The learned A.P.P. pointed out that the Petition is premature as challenge in the Petition is to the show cause notice. On instructions of the concerned Officer, he states that the authorities will not insist on Petitioners executing interim bond. He stated that if the Petitioners file reply to the notice, the proceedings will be conducted in accordance with law. The statements made by the learned A.P.P. are accepted. In view of the said statements, Petition is disposed of by passing following order:

(i) The Petitioners will file reply to the show

cause notice within period of three weeks from today.

(ii) The Special Executive Magistrate will pass appropriate order after following the relevant provisions of the Code of Criminal Procedure, 1973.

(iii) All contentions on merits are kept open.

(iv) Parties to act upon an authenticated copy of this order.

JUDGE